IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.579 OF 2006
IN
APPEAL FROM ORDER NO. 188 OF 2006

Asgar Ali Kasim Ghawty. ..Applicant.

V/s.

Smt.Goribee wd/o.Yusuf Farid & Anr. ..Respondents.

Mr.R.R.Sharma for applicant.

Mr. P.S.Dani, appointed as amicus curiae.

Mr.S.J.Ghogare for respondents.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 17, 2006.

P.C. :

1. Heard counsel for the parties. Perused the application. The explanation offered by the applicant though not satisfactory, in the interest of justice, as last opportunity/indulgence, applicant is granted time to tender evidence before the trial Court by 19th July, 2006, failing which it will be open to the trial Court to pass such order, as may be advised. This indulgence is shown as the applicant submits that the affidavit of evidence could not be tendered in the court until the amount of costs was paid to the respondent in terms of paragraph 12(a) of the order dated April 5, 2006. Application disposed

of with the above observations.